

APPLICANT:
SERIAL NO.:
EXAMINER:
ART UNIT:

Trapani et al.
09/897,865
C. Curtis
2872.

Page 6 of 9

REMARKS

Claims 1-27 are currently pending in this application. Claims 1-27 have been rejected under 35 USC §112, first paragraph. Claims 1-27 have been rejected under 35 USC §112, second paragraph. Claims 1-5, 12, 13, and 17-27 have been rejected under 35 USC §103(a) as being unpatentable over Butterfield et al. in view of Applicants' admitted prior art. Claims 6-8 have been rejected under 35 USC §103(a) as being unpatentable over Butterfield et al. in view of Applicants' admitted prior art, and further in view of Ralli. Claims 9-11, and 14-16 have been rejected under 35 USC §103(a) as being unpatentable over Butterfield et al. in view of Applicants' admitted prior art, and further in view of Kumai et al.

The Examiner has rejected claims 1-27 under 35 USC §112, first paragraph as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The Examiner states an intrinsic polarizer on whose first surface a first optically functional coating is disposed cannot be said to lack a protective coating thereon, since said optically functional coating inherently protects said intrinsic polarizer. However, claims 1-27 satisfy 35 USC § 112, first paragraph because a person of ordinary skill in the art understands that a protective coating, such as cellulose triacetate, provides a polarizer with protection, e.g., from moisture and/or heat, and an optically functional coating affects the optical properties of light passing through such coating. An optically functional coating will not inherently protect the underlying polarizer. As the specification states, the prior art H-type polarizers, which typically included optically functional coatings, still needed protective coatings to prevent degradation of the polarizer in a normal working environment. See, e.g., specification page 2,

paragraph 7 and page 5, paragraph 15. Therefore, one skilled in the art could make an intrinsic polarizer lacking a protective coating thereon, which included an optically functional coating disposed thereon.

The Examiner has rejected claims 1-27 under 35 USC §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Examiner states the meaning of the limitation “...unsupported intrinsic polarizer” cannot be ascertained. However, claims 1-27 satisfy 35 USC § 112, second paragraph because a person of ordinary skill in the art understands that a support layer or structure, such as a substrate made of polyethylene terephthalate (PET), provides physical support to the polarizer. The specification clearly states that the present invention allows additional support structures for the polarizers in the optical stack to be eliminated. See, e.g., specification page 7, paragraph 27 and page 8, paragraph 41. Therefore, one skilled in the art could ascertain the meaning of an unsupported intrinsic polarizer.

Independent claims 1, 21, and 22 recite, among other things, an optical stack including an unsupported intrinsic polarizer lacking a protective coating thereon and an optically functional coating. Independent claim 23 recites, among other things, an optical stack including an unsupported K-type polarizer lacking a protective coating thereon and an optically functional coating. Independent claim 24 recites a method of forming an optical stack, including providing an unsupported intrinsic polarizer lacking a protective coating thereon and disposing a first optically functional coating on the first surface of the intrinsic polarizer.

As previously stated, independent claims 1, 21-24 are patentable over Butterfield, Ralli, Kumai, and Applicants’ admitted prior art, because none of these references, either alone or in

combination, shows or suggests an optical stack having an unsupported intrinsic polarizer lacking a protective coating thereon and an optically functional coating. Butterfield et al. teach a contrast enhancement filter including a support sheet, a layer of indium tin oxide, an antireflection layer, and a light-polarizing element. Butterfield et al. do not show or suggest an unsupported light-polarizing element such as an unsupported intrinsic polarizer. Ralli teaches a light-diffusing holographic transflector including a holographic layer and a transreflective layer being used with a liquid crystal display. Ralli does not show or suggest an unsupported intrinsic polarizer lacking a protective coating thereon. According to the English-language abstract, Kumai et al. disclose an LCD panel having an acrylic substrate, hard coating films, and antireflection (AR) coating films. The English-language abstract of Kumai et al. does not show or suggest an unsupported intrinsic polarizer lacking a protective coating thereon. Applicants' admitted prior art discloses an intrinsic polarizer, such as a K-type polarizer, and discloses a liquid crystal display stack having a liquid crystal cell and polarizer structures with protective coatings attached to both surfaces of the liquid crystal display cell. Applicants' admitted prior art does not show or suggest an optical stack having an unsupported intrinsic polarizer lacking a protective coating thereon and an optically functional coating. Therefore, none of these references, either alone or in combination, shows or suggests the present invention.

Dependent claims 2-20, and 25-27 depend directly or indirectly from independent claims 1, and 21-24, and thus contain all of the limitations of the independent claims from which they depend. Therefore, these dependent claims are patentable over Butterfield, Ralli, Kumai, and Applicants' admitted prior art, either alone or in combination, for at least the same reasons set forth above with respect to claims 1, and 21-24.

APPLICANT: Trapani et al.
SERIAL NO.: 09/897,865
EXAMINER: C. Curtis
ART UNIT: 2872

Page 9 of 9

Enclosed is a Petition for One Month Extension of Time indicating that the extension fee is to be charged to Deposit Account 50-1721.

Applicants submit that all of the claims are now in condition for allowance, which action is requested. Please apply any charges or credits to Deposit Account No. 50-1721.

Respectfully submitted,



Jeffrey L. Snow
Reg. No.: 39,037
Attorney for Applicants
KIRKPATRICK & LOCKHART, LLP
75 State Street
Boston, Massachusetts 02109
Tel.: (617) 261-3100

DATE: August 11, 2003